

**Notice of Allowability**

Application No.

10/047,787

Examiner

Perez M. Angelica

Applicant(s)

DORFMAN, BERTRAND

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 3/17/2006.
2. ☒ The allowed claim(s) is/are 19-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Amendments to claims 19 and 26 have been considered and accepted by the examiner; therefore, rejection has been withdrawn.

### *Drawings*

2. The drawings filed 1/16/2002 have been accepted by the examiner.

### *Reasons for Allowance*

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 19 and 36, the prior art of record discloses a personal portable phone and a method of minimizing the impact of transmitted electromagnetic energy on the head of the user, the phone/method having an ear piece the antenna improvement comprising: an antenna base which is substantially perpendicular to the plane operative position, a first directional antenna mounted on the base providing a first conical electromagnetic energy radiation pattern, where the first conical pattern has a first included angle of less than 60 degrees.

The prior art of record fails to disclose **an axis substantially perpendicular to the plane of the base and substantially parallel to the plane of the ear piece, the conical pattern encompassing substantially the sole radiation from the antenna, the first conical pattern substantially missing the head of the user when a user places the ear piece against the user's ear.**

Regarding claim 26, the prior art of record discloses a personal portable phone having an ear piece, the method of minimizing the impact of transmitted electromagnetic

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energy on the head of the user comprising the steps of: In a personal portable providing a first patch antenna on a plane perpendicular to the plane of the ear piece, transmitting electromagnetic energy from the first antenna in a first substantially conical pattern having a first included angle of less than 60 degrees and having a first axis, the first axis being substantially perpendicular on the plane of the patch antenna (column 5, lines 10-36; where the antenna plane is positioned in parallel with the ground surface in order to attain the desired angle between 36 and 60 degrees; therefore, the axis becomes relatively parallel to the plane of the earpiece), and positioning the conical pattern so that the first axis is substantially parallel when the user places the ear piece against the user's ear and causing said conical pattern to substantially miss the head of the plane of the ear piece the user (column 5, lines 10-36; where the antenna plane is positioned in parallel with the ground surface in order to attain the desired angle between 36 and 60 degrees; therefore, the axis becomes relatively parallel to the plane of the earpiece).

Claims 20-25 and 27-29 depend on claims 19 and 26; therefore, the examiner gives the same reasons for allowance as set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Perez  
Examiner



NAY MAUNG  
SUPERVISORY PATENT EXAMINER

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May 12, 2006